

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:03CR290
	)	
v.	)	
	)	
RASHAD MCKAY,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's motion for reconsideration of sentence and notice of supplemental authority (Filing No. [410](#)). The Court had previously entered an order adjusting defendant's sentence pursuant to the modification in the crack cocaine guidelines. That order was entered on February 1, 2010 (Filing No. [408](#)). The Supreme Court of the United States has granted certiorari in the case of *Dillon v. United States*, in which the following two issues are presented:

- 1) Whether the Federal Sentencing Guidelines are binding when a district court imposes a new sentence pursuant to a revised guideline range under 18 U.S.C. § 3582.
- 2) Whether during a § 3582(c)(2) sentencing, a district court is required to impose sentence based on an admittedly incorrectly calculated guideline range.

Particularly in view of the first issue presented, the Court believes that defendant's motion for reconsideration should

be held in abeyance pending a decision from the Supreme Court of the United States. Accordingly,

IT IS ORDERED that further action on defendant's motion for reconsideration is held in abeyance pending a decision by the United States Supreme Court in *Dillon v. United States*.

DATED this 22nd day of February, 2010.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court